

1881.

PROCEEDINGS

OF THE

MUNICIPAL COUNCIL

OF THE

COUNTY OF WELLAND.

THIRD SESSION—JAMES SMITH, ESQ., WARDEN.

5TH OF JULY, 1881.

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J. C. PAGE
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1881.

PROCEEDINGS
OF THE
MUNICIPAL COUNCIL
OF THE
COUNTY OF WELLAND.

SPECIAL SESSION.

WELLAND, July 5th, 1881.

Pursuant to the direction of the Warden, made in the following order, viz:—

WILLOUGHBY, June 27th, 1881.

J. C. PAGE,

County Clerk, Welland:

SIR,—Please call a special session of County Council for Order for Tuesday, the 5th day of July prox., at 10 o'clock a.m., sharp, for ^{special ses-} sion. the purpose of appointing an arbitrator *re* Niagara Falls withdrawal, and for any other important business which may be brought up, and oblige,

Yours, &c.,

(Signed), JAMES SMITH,

Warden.

Council met. The Council met in the Grand Jury Room, in the Court House, at the Town of Welland, on Tuesday, the 5th day of July, 1881, in special session, for the appointment of an arbitrator *in re* Niagara Falls withdrawal, at 10 o'clock a.m., the Warden in the chair.

Present.

MEMBERS PRESENT—Messrs. Baker, Beatty, Burgar, Coulson, Cruickshank, Duncan, Fraser, Furry, J. Garner, Anson Garner, Hershey, Dr. Johnston, D. A. Johnson, Keller, Lee, Metler, Miser, Morris, Pringle, Ramsden, Thos. Willson and J. Willson.

Warden's remarks.

The Warden remarked that he regretted being obliged to call the Council together at this particular time, as all were busy no doubt at the present time ;

That a special session had been made necessary, to appoint an arbitrator in the Niagara Falls matter, as the appointment made on the 18th June last, in anticipation of Niagara Falls withdrawing, was quite correct, but unfortunately the notice sent by Niagara Falls of their appointment, of the 17th June, of Mr. A. G. Hill as arbitrator, was not received by him till the 24th of same month, and, as the statute requires that within seven days from the last appointment the two arbitrators shall appoint a third, and from the appointment made by the County on the 18th, being the last appointment, to the 24th, the time of receiving notice of the intended action of Niagara Falls, the seven days had about elapsed, and consequently could not avoid the special session, particularly as Judge Senkler would not agree to act upon so limited time ;

That he was not aware of any other business to be brought up, and trusted that the business to be done would be done quickly, and allow all to return to their respective homes at an early hour.

Moved by Mr. Beatty, seconded by Mr. John Willson,

Motion to reconsider appointment of an arbitrator.

That the question of an appointment of arbitrator in behalf of the County of Welland *re* separation of the Town of Niagara Falls from the municipal corporation of said County, be reconsidered.

Motion proposed, and the yeas and nays being called, they were taken as follows :—

YEAS—Messrs. Beatty and John Willson.—2.

NAYS—Messrs. J. Garner, A. G. Keller, Lee, Metler.

Motion passed.

Moved by

That the resolution

—Carried.

Moved by

That the resolution

Motion proposed.

nays, they were

YEAS—Messrs.

Fraser, J. Garner,

Lee, Metler, Miser,

NAYS—Messrs.

The adoption

majority, 13.

Moved by

That leave

an arbitrator on

by the Town of

of Welland, that

Bill read a

Moved by

That the bill

second time.

Upon the

for the yeas and

YEAS—Messrs.

can, Fraser, J.

Keller, Lee, M.

NAYS—Messrs.

Motion for

majority, 13.

NAVS—Messrs. Baker, Bugar, Cruickshank, Duncan, Fraser, **Lost.**
J. Garner, A. Garner, Hershey, Dr. Johnston, D. A. Johnson,
Keller, Lee, Metler, Misener, Ramsden and Thos. Willson.—16.

Motion passed in the negative—majority, 14.

Moved by Mr. Duncan, seconded by Mr. Ramsden,

That the report of Finance Committee be received and read.

—Carried.

Moved by Mr. Duncan, seconded by Mr. Ramsden,

That the report of Finance Committee, just read, be adopted. **Finance re-**

Motion proposed, and Mr. Beatty calling for the yeas and
nays, they were taken as follows :—

YEAS—Messrs. Baker, Bugar, Coulson, Cruickshank, Duncan, **Adopted.**
Fraser, J. Garner, Hershey, Dr. Johnston, D. A. Johnson, Keller,
Lee, Metler, Misener, Ramsden and Thos. Willson.—16.

NAVS—Messrs. Beatty, A. Garner and J. Willson.—3.

The adoption of the report passing in the affirmative—ma-
jority, 13.

Moved by Mr. Duncan, seconded by Mr. Ramsden,

That leave be given to introduce a bill for the appointment of
an arbitrator on behalf of the County of Welland in *re* withdrawal **Bill to appoint**
by the Town of Niagara Falls from the jurisdiction of the County **arbitrator.**
of Welland, that the same be read a first time.—Carried.

Bill read a first time.

**Read first
time.**

Moved by Mr. Duncan, seconded by Mr. Ramsden,

That the bill for the appointment of arbitrator be read a se-
cond time.

Upon the second reading being proposed, Mr. Beatty calling
for the yeas and nays, they were taken as follows :—

YEAS—Messrs. Baker, Bugar, Coulson, Cruickshank, Dun-
can, Fraser, J. Garner, Hershey, Dr. Johnston, D. A. Johnson,
Keller, Lee, Metler, Misener, Ramsden and Thos. Willson.—16.

NAVS—Messrs. Beatty, A. Garner and J. Willson.—3.

Motion for the second reading passing in the affirmative—ma-
jority, 13.

Read second
time.

Pursuant to motion, the bill was read a second time.

Moved by Mr. Duncan, seconded by Mr. Ramsden,

Bill passed.

That the by-law be not now committed, but that the same be read a third time forthwith, that it do pass, be signed and sealed as required by law, and that its title be as in the bill.—Carried.

The by-law read a third time, and passed, entitled, "A By-law for the Appointment of an Arbitrator *in re* Town of Niagara Falls Withdrawal."

Moved by Mr. Ramsden, seconded by Mr. A. Garner,

Committee to
procure par-
ticulars for
arbitrators.

That George J. Duncan, Stephen Beatty and Joseph Garner, be appointed a special committee to procure particulars for use of arbitrators *re* Niagara Falls withdrawal.

Motion proposed, and carried on a division.

Moved by Mr. D. A. Johnson, seconded by Mr. Burgar,

Acc't of Wel-
land Fire Co.

That the account of the Welland Fire Company, amounting to \$40, for use of engine, be paid, and that the Warden do issue his cheque for the same.

Motion proposed, and a discussion arising,

A motion for adjournment was carried, to meet again at 1:30 p.m., before the motion was disposed of.

Pursuant to motion, the Council adjourned at 12:30 p.m.

AFTERNOON SESSION.

At 1:30 p. m. the Council resumed.

Withdrawn.

Mr. D. A. Johnson's motion, remaining over from morning session, was again proposed, and, by consent of the Council and the seconder, the motion was withdrawn.

Moved by Mr. Ramsden, seconded by Mr. Elisha Furry,

Motion to
grant \$30 to
Rev. Mr. Free-
myer.

That the Warden be, and he is, hereby instructed to issue his cheque in favor of Rev. Mr. Freemyer (who is acting on behalf of

Mr. Near) for authorizing the thieving, on co- favor of any other Dr. Bigelow.

Motion pro

Moved in

Fraser,

That in th in the matter, t be made on th ter should ther

Amendme

Moved by amendment to

That the Freemyer (wh \$30, on condit of any other p called Dr. Big

Amendme a division.

Moved by

That this

Motion p

Moved by

That whe an unreasonable \$68,240, whil acre, a Towns and assessed a personal prop ship over :

Mr. Near) for the sum of \$30, under a by-law of this Council authorizing the payment of money for the suppression of horse thieving, on condition that the judge does not issue his order in favor of any other parties for the apprehension and conviction of Dr. Bigelow.

Motion proposed.

Moved in amendment by Mr. Hershey, seconded by Mr. Fraser,

That in the opinion of this Council they have no jurisdiction ^{Amendment.} in the matter, the statute providing that in all such cases payment be made on the order of the judge; the determination of the matter should therefore rest entirely with him.

Amendment proposed.

Moved by Dr. Johnston, seconded by Mr. D. A. Johnson, in amendment to the amendment,

That the Warden do issue his cheque in favor of Rev. Mr. ^{Amendment to amendment} Freemyer (who is acting on behalf of Mr. Near) for the sum of \$30, on condition that the judge does not issue his order in favor of any other parties for the apprehension and conviction of the so-called Dr. Bigelow.

Amendment to the amendment passing in the affirmative, on ^{Carried.} a division.

Moved by Mr. Hershey, seconded by Mr. Fraser,

That this Council do now adjourn.

Motion proposed, and lost on a division.

Moved by Mr. A. Garner, seconded by Mr. Coulson,

That whereas the Township of Stamford, being equalized at ^{Stamford Equalization.} an unreasonably high figure, viz., land at \$42 per acre, personal, \$68,240, while the Township of Bertie is equalized at \$28 per acre, a Township containing nearly double the number of acres, and assessed and equalized at the very small sum of \$17,750 on personal property, it being less than 50 cents per acre, the Township over :

Be it therefore resolved, that the sum of \$50 be paid by this County to the Township of Stamford.

Motion proposed, and lost on a division.

Moved by Mr. John Willson, seconded by Mr. Anson Garner,

Thorold
Township
Equalization.

That whereas the Township of Thorold, being equalized at an unusually high figure, namely, land at \$36 per acre ; personal, \$87,841, while the Township of Pelham is equalized at \$35 per acre, and personal, \$43,145 :

Be it therefore resolved, that the sum of \$75 be paid by this County to the Township of Thorold, and that the Warden issue his cheque for the above amount in favor of the Treasurer of the Township of Thorold.

Motion proposed.

Moved by Mr. Pringle, seconded by Mr. Ramsden, in amendment,

Equalization
of June ses-
sion con-
firmed.

That whereas the equalization of the assessment for this County was adjusted by the June Session ; And whereas no new evidence has been advanced before this Council, therefore be it resolved that there be no interference with the equalization made at that time.

Amendment proposed, and carried on a division.

Moved by Mr. Keller, seconded by Mr. Coulson,

Motion to re-
place Chip-
pawa bridge.

That the Road and Bridge Committee be instructed to proceed at their earliest convenience to place the bridge crossing the River Welland, in the Municipality of Chippawa, in a sufficient state of repair, either by the building of a new one or repairing the present bridge, so as to make it perfectly safe for the use of the general public, as the committee, in their judgment, see fit.

Motion proposed and Mr. Keller calling for the yeas and nays, they were taken as follows :—

YEAS—Messrs. Bugar, Coulson, Fraser, Dr. Johnston, D. A. Johnson, Keller, Lee, Misener and Thos. Willson.—9.

NAYS—Mr. Metler, Pringle,

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Moved by

That this C
the Warden,—C

Pursuant t

NAVS—Messrs. Baker, Beatty, Furry, J. Garner, A. Garner,
Metler, Pringle, Ramsden and John Willson.—9.

Lost.

The vote being a tie, the Warden declared the motion lost.

The business of the session being completed,

Moved by Mr. Ramsden, seconded by Mr. Pringle,

That this Council do now adjourn, to meet again at the call of ~~adjourned~~.
the Warden,—Carried.

Pursuant to motion, the Council adjourned at 4 o'clock p.m.

*A By-Law
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APPENDIX.

CHAPTER CCCCXLII.

A By-Law for the Appointment of an Arbitrator in the Matter of the Withdrawal of the Town of Niagara Falls from the Jurisdiction of the Council of the County of Welland :

WHEREAS, the corporation of the Town of Niagara Falls has passed a by-law to withdraw the said Town of Niagara Falls from the jurisdiction of the Council of the County of Welland :

And whereas the amount to be paid by the said Town to the said County of Welland, for the purposes set forth in section twenty-two, of chapter one hundred and seventy-four, of the Revised Statutes of Ontario, being "The Municipal Act," has not been mutually agreed upon by the Councils of the Town of Niagara Falls and of the County of Welland, and the same is thereupon required by said act to be ascertained by arbitration ;

And whereas the Warden of said County has been served with a copy of a resolution of the Council of said Town, appointing Mr. A. G. Hill, of said Town, as their arbitrator in this matter, and also with a notice of such appointment, and that the corporation of the County of Welland is required to appoint an arbitrator to act on behalf of the said Corporation of the County of Welland, for the purposes therein set forth, which said resolution and notice bear date the seventeenth day of June, A. D. 1881 ;

And whereas the County Council of the said County of Welland, then being in session, did, on the eighteenth day of June, aforesaid, appoint E. J. Senkler, of the City of St. Catharines, judge of the County Court of the County of Lincoln, arbitrator on be-

half of the said Corporation of the County of Welland in the said matter, subject to the provision that the said Town of Niagara Falls should decline to accept the amount stipulated in a by-law passed by said County Council on the eighteenth day of June aforesaid, as number four hundred and forty-one ;

And whereas notice of the appointment of the arbitrator on behalf of the said Town of Niagara Falls was not received by the Warden of said County until the twenty-fourth day of the said month of June, and seven days having about elapsed since the appointment of the latter of the said two arbitrators, by reason of which lapse of time, they, the said two arbitrators could not appoint a third arbitrator, as provided by section three hundred and seventy of said act ;

And whereas it is therefore requisite that the appointment of an arbitrator should be made on behalf of the Corporation of the County of Welland for the purposes aforesaid, and to enable the said arbitrators to appoint a third arbitrator ;

Be it therefore enacted, by the Corporation of the County of Welland, and it is hereby enacted, that E. J. Senkler, of the City of St. Catharines, Judge of the County Court of the County of Lincoln, be, and he is, hereby appointed arbitrator on behalf of the said the Corporation of the County of Welland, for the purpose of performing and executing with the other arbitrators in this matter, the duties and powers assigned to and conferred upon said arbitrators by section twenty-two, of chapter one hundred and seventy-four, of the Revised Statutes of Ontario, and that by-law No. 441, passed on the 18th June, 1881, be, and the same is hereby, repealed.

Passed in Council, this 5th day of July, A. D. 1881.

JAMES SMITH,
Warden. { L. S. }

J. C. PAGE,
County Clerk.

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To the Warden
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July 5th, 18

REPORT OF FINANCE COMMITTEE.

To the Warden and Councillors of the County of Welland, in Council Assembled :

Your Committee on Finance beg leave to report as follows :—

That they have had laid before them the correspondence relating to the withdrawal of the Town of Niagara Falls from the jurisdiction of the County of Welland, and would recommend that an arbitrator be appointed and that counsel be engaged to watch proceedings on behalf of the County, and also that a committee be appointed to procure particulars for use of arbitrators, and thereby lessen the time of said arbitrators, and also study their convenience, whereby a quick disposal can be made of this matter, with a due regard for justice for both parties.

Your Committee would also recommend that the following account be paid, and that the Warden issue his cheque for the same :

J. C. Page, expenses *re* Niagara Falls.....\$8.46

All of which is respectfully submitted.

JAMES SMITH,
GEO. J. DUNCAN,
J. H. BURGAR,
J. A. RAMSDEN,
LEVI BAKER,
C. KELLER, Jr.

Council Chambers,
July 5th, 1881.

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L. S.
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*In re W
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We, And
the County of
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the City of E
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COPY OF AWARD.

*In re Withdrawal of the Town of Niagara
Falls from the County of Welland.*

TO ALL TO WHOM THESE PRESENTS SHALL COME :—

We, Andrew Gregory Hill, of the Town of Niagara Falls, in the County of Welland, and Province of Ontario, Esquire ; Edmund John Senkler, of the City of St. Catharines, in the County of Lincoln, and Province aforesaid, Esquire ; and James Shaw Sinclair, of the City of Hamilton, in the County of Wentworth, and Province aforesaid, Esquire,

SEND GREETING :—

Whereas by reason of certain differences having arisen between the two municipalities hereinafter mentioned, the said Andrew Gregory Hill was, by the municipal corporation of the Town of Niagara Falls, and the said Edmund John Senkler was, by the municipal corporation of the County of Welland, duly appointed arbitrators under "The Municipal Act," and the said Andrew Gregory Hill and Edmund John Senkler duly appointed the said James Shaw Sinclair a third arbitrator under said Act ; and we the said arbitrators having been duly sworn, and having taken upon ourselves the burthen of the said reference, and having duly heard and considered the evidence adduced, and the argument of coun-

sel for each of said parties, do award and order of and concerning the matters so referred to us as aforesaid, as follows, that is to say :—

I. We hereby declare and award, that, in this our award, the municipal corporation of the Town of Niagara Falls shall be known and described as “the Town,” and the municipal corporation of the County of Welland, as “the County.”

II. We award and find that the value of the interest of the town in all county property, (excepting the court house and gaol, and appurtenances, and other property, real and personal, used in connection therewith, and the registry office, and all real and personal property used in connection therewith), after deducting the amount of all debts owing by the County, is eleven hundred and twenty-two dollars ; and we award and direct that the County shall pay said sum to the Town in one year from the date hereof, with interest at six per cent.

III. We award and find that the value of the interest of the Town in the court house, and gaol, and appurtenances, and other property, real and personal, used in connection therewith, is three thousand, four hundred and twelve dollars, and we award and direct that the County shall pay said sum to the Town in one year from the date hereof, with interest at six per cent. from the first day of July last.

IV. We award, find and direct, that the Town shall pay to the County, as compensation for the use of the court house and gaol, and appurtenances, and other property, real and personal, used in connection therewith, the yearly sum of two hundred and four dollars and seventy-two cents, to be computed from the first day of July last, and to continue for five years from that date, and to be paid half-yearly, the first of such payments to become due and be made on the first day of January, 1882.

V. We award and find that the value of the interest of the Town in the said registry office, and all real and personal property used in connection therewith, is three hundred and ninety-four dollars, and we award and direct that the County shall pay said sum to the Town in one year from the date hereof, with interest at six per cent. from the first day of July last.

VI. We award and find that the value of the interest of the County, for the personal property of the County, for the twenty-three days of the first day of July last, and to be made on the first day of July last.

VII. We award and find that the value of the interest of the County, for the personal property of the County, for the twenty-three days of the first day of July last, and to be made on the first day of July last, is three hundred and forty-two dollars, and we award and direct that the County shall pay said sum to the Town in one year from the date hereof, with interest at six per cent. from the first day of July last.

VIII. We award and find that the value of the interest of the County, for the personal property of the County, for the twenty-three days of the first day of July last, and to be made on the first day of July last, is three hundred and forty-two dollars, and we award and direct that the County shall pay said sum to the Town in one year from the date hereof, with interest at six per cent. from the first day of July last.

VI. We award, find and direct, that the Town shall pay to the County, for the use of the said registry office, and all real and personal property used in connection therewith, the yearly sum of twenty-three dollars and sixty-four cents, to be computed from the first day of July last, and to continue for five years from that date, and to be paid half yearly, the first of such payments to be made on the first day of January, 1882.

VII. We award, find and direct, that the Town shall pay annually to the County, in the proportion of one dollar by the Town, and thirteen dollars by the County, for the following expenses connected with the administration of justice, viz :—All sums payable to the sheriff, clerk of the peace, county crown attorney, and coroners ; all sums payable for *post mortem* examinations and witnesses at inquests, printing and advertising, constables, constables attending court, crier, board of audit, destitute, insane, light and fuel for court house, cleaning court house, repairing and furnishing court house, repairs of registry office and repairs of gaol, the same to be payable quarterly, from the said first day of July last, on the 15th day of January, April, July and October, in each year ; the first two quarterly payments to be made on the 15th day of January next, with interest from the maturing thereof. And we further award and direct, that so soon as the County shall receive from the Government, or from any other source whatever, any money towards the payment or reimbursement to the County of said expenses, or any part thereof, then the County shall forthwith pay over to the Town its share of said monies, in the proportion to which said corporations, respectively, paid such expenses. This is to continue for five years from the first day of July last.

VIII. We further award, find and direct, that the Town shall pay annually to the County, in the proportion of one dollar by the Town, and thirteen dollars by the County, for all necessary and proper expenses in keeping and taking care of all persons committed to the common gaol of the County of Welland, and others duly confined therein, and for the salaries of gaoler, turnkey, matron, gaol surgeon, and of any assistants required in the disciplinary management of the gaol, for fuel, light, water, cleaning and cleaning appliances, not fixtures, prison dietaries, medicines

and extras known as hospital dietaries, ordered by the surgeon, current renewal of bedding, clothing and shoes, and any other expenses not herein particularly enumerated in the ordinary management of the gaol, (having first deducted the sum to be paid by the Government for the maintenance of persons on indictable offences), the same to be payable quarterly from the first day of July last, on the fifteenth day of January, April, July and October, in each year; the first two quarterly payments, to be paid on the fifteenth day of January next, with interest from the maturing thereof; but we award that as soon as the County shall receive from the Government, or from any source whatever, any money, (other than for the support of prisoners for indictable offences), towards payment or reimbursement by the County of such expenses, or any part thereof, that the County shall forthwith pay over to the Town its share of the said monies in the proportion to which said corporations paid such expenses respectively. This is to continue for five years from the first day of July last.

IX. We further find, award and direct, that the Town do pay to the County annually, in the proportion of one dollar by the Town and thirteen dollars by the County, in quarterly instalments, from the first day of July last, and during five years thereafter, for the expenses of juries, including the selecting, summoning, mileage, and payment thereof, (first deducting all sums that may be received on account thereof), the first two instalments not to become due until the fifteenth of January next, and subsequent payments to be made on the fifteenth day of April, July, October and January in each year.

X. We further find, award and direct, that the Town do pay to the County, in the proportion of one dollar by the Town and thirteen dollars by the County, all other necessary expenses in the administration of justice, and in which no specific award is otherwise herein made. This arrangement to commence on the first day of July last, and to continue for five years, and to be payable quarterly in the manner mentioned in the last preceding paragraph.

XI. We further find, award and direct, that the Town do pay to the County annually, in the proportion of one dollar by the Town to thirteen dollars by the County, the expenses, necessarily

and legally incurred and appurtenant to the management of the by law or otherwise first day of July mentioned in the se

XII. We one-half of the the other shall the whole, and pay its own cos

Given und this eleventh eighty-one.

Signed, se in presence of

WM.

and legally incurred, for books, furniture, light, fuel, care of building and appurtenances, and otherwise howsoever in the ordinary management of the said registry office, and for which no provision is by law or otherwise made, such payment to be computed from the first day of July last, and to be paid quarterly on the dates as mentioned in the seventh paragraph hereof.

XII. We further order and award that each party shall pay one-half of the arbitrators' fees, and if one pays the whole thereof, the other shall forthwith repay the half thereof to the party so paying the whole, and that as to all other costs each party shall bear and pay its own costs of and incidental to this reference and award.

Given under our hands and seals at the City of St. Catharines, this eleventh day of August, one thousand eight hundred and eighty-one.

Signed, sealed and delivered,
in presence of

WM. PATTISON,

A. G. HILL.

E. J. SENKLER.

J. S. SINCLAIR.